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Attorneys for the State of Wyoming

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

CITIZENS FOR CLEAN ENERGY,
ECOCHEYENNE, MONTANA
ENVIRONMENTAL INFORMATION
CENTER, CENTER FOR BIOLOGICAL
DIVERSITY, DEFENDERS OF
WILDLIFE, SIERRA CLUB, and
WILDEARTH GUARDIANS,

Plaintiffs,

and

THE NORTHERN CHEYENNE TRIBE,

Plaintiff,

Case No. 4:17-cv-00030-BMM

**STATE OF WYOMING'S
MOTION TO INTERVENE**

FILED

APR 27 2017

Clerk, U.S. District Court
District Of Montana
Helena

v.

U.S. DEPARTMENT OF THE
INTERIOR; U.S. SECRETARY OF THE
INTERIOR; and U.S. BUREAU OF
LAND MANAGEMENT,

Defendants.

The State of Wyoming hereby moves for leave to intervene in the above-captioned case as a matter of right under Federal Rule of Civil Procedure 24(a)(2) or, in the alternative, permissively under Federal Rule of Civil Procedure 24(b). In support of this motion, Wyoming offers the attached Memorandum in Support. Wyoming also moves that it be excused from filing an Answer in this Administrative Procedure Act case, which must be decided on the basis of the administrative record. Such a request was recently granted by this Court in *Western Organization of Resource Councils, et al. v. BLM, et al.*, Case No. 16-cv-21-GF-BMM (D. Mont.).

Pursuant to Local Rule 7.1(c)(1), the undersigned conferred with counsel for the parties regarding their respective positions on the instant motion. Counsel for the federal Defendants stated that his clients do not oppose Wyoming's motion to intervene or that Wyoming be excused from filing an Answer. Counsel for the federal Defendants also intends to ask this Court to be excused from filing an Answer.

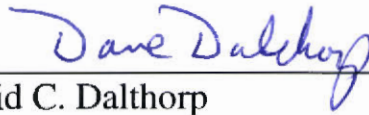
Counsel for Plaintiffs initially stated that Plaintiffs do not oppose Wyoming's motion to intervene, provided that Wyoming agree to limit its participation in the litigation in the following way: in the event that any other non-federal government entities intervene in this case, all non-federal government entities will limit the combined length of their response briefs, whether submitted in a combined fashion or separately, to the amount of words used by Plaintiffs in their opening merits brief. In other words, Plaintiffs want this Court to limit the contributions of **all** non-federal government entities to what Plaintiffs submit in their single, opening brief. Counsel for Plaintiffs later indicated Plaintiffs would wait to see the motion to intervene and would file a response stating their position. Counsel for Plaintiffs did not provide a position on excusing Wyoming from filing an answer prior to the filing of this motion.

While Wyoming will certainly strive to coordinate with all defendants, including any other non-federal government intervenors, should there be any, and while Wyoming will strive to avoid burdening the Court with duplicative briefing, the State cannot and will not voluntarily accede to Plaintiffs' word count condition. While there are a number of reasons for this, including Wyoming's need to speak to this Court freely and fully as a Sovereign, the reality is that Wyoming cannot agree to limit its participation in this case based on the potential intervention of an unknown number of non-federal government intervenors.

The State of Wyoming respectfully requests that this Court grant the State permission to intervene and excuse the State from the requirement to file an Answer. If this Court grants the former request but denies the latter, Wyoming will submit an Answer in an expeditious fashion.

DATED this 27th day of April, 2017.

FOR PROPOSED DEFENDANT-INTERVENOR
STATE OF WYOMING



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CERTIFICATE OF SERVICE

I hereby certify that on April 27th, 2017, the foregoing was served by first class U.S. Mail, postage prepaid, to the following counsel of record:

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By: 